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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/754,160

01/04/2001

Andreas Schwager

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05/15/2006

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EXAMINER

BULLOCK JR, LEWIS ALEXANDER

ART UNIT

PAPER NUMBER

2195

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/754,160

Applicant(s)

SCHWAGER, ANDREAS

Examiner

Lewis A. Bullock, Jr.

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 14, 16, 17, 19-23, 25, 26 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by HUMPLEMANN (U.S. Patent 6,466,971).

As to claims 1, 14, 16, 17, 20 and 28, HUMPLEMANN teaches a method to perform a scheduled action of a plurality of devices (home devices) that are connected via a network (col. 5, lines 5-17), comprising: calculating an individual triggering time for each device that is to perform a predetermined action at a predetermined time (the user provides command and control data including time-delay record event data for the DVCR and Tuner-Access Device) (col. 8, lines 24-33), the network being implemented with different types of consumer electronic devices in a home environment (home devices of a home network) (col. 5, lines 5-17), each of the plurality of devices having a different device type and a different device functionality (via one could send television signals while the other decoded compressed digital video signals for playback) (col. 8, lines 15-34); and utilizing the individual triggering time (via a clock device) for each device to perform the scheduled action (automatically command and control a second

set of server devices to perform an automatic time-delay operation based on the user-selected time delay event data for both devices) wherein the plurality of devices for which the individual triggering time is calculated include electronic devices from different device categories, and wherein at least one of the plurality of devices is not a display device (via the devices are tuner-access device such as a Satellite and the other is a digital video Cassette Recorder) (col. 8, lines 15-35).

As to claim 26, refer to claim 1 for rejection.

As to claims 21-23 and 25, HUMPLEMANN teaches a system for managing a scheduled action in an electronic network (home network) (col. 5, lines 5-17) comprising: an invoking application (via a client device) configured to generate action invocation information (command and control data) corresponding to the scheduled action (col. 8, lines 24-33); a resource manager (source server device) configured to handle the action invocation information to thereby control one or more network devices (second set of server devices) in the electronic network to perform the scheduled action (automatically command and control a second set of server devices to perform an automatic time-delay operation based on the user-selected time delay event data for both devices) (col. 8, lines 15-34), the electronic network being implemented with different types of consumer electronic devices in a home environment wherein at least one of the plurality of devices is not a display device (via the devices are tuner-access device such as a Satellite and the other is a digital video Cassette Recorder) (col. 8, lines 15-35) (via the devices are tuner-access device such as a Satellite and the other is

a digital video Cassette Recorder) wherein the resource manager (source server device) passes the action invocation to one or more device control modules (another server device or second set of server device) that respectively correspond to and control the one or more network devices (other server devices) to reserve the performance of the scheduled action (via passing the time-delay record such that the action is performed at the desired time) (col. 7, lines 25-45) and a trigger device (client device) notifies the resource manager (source device) to being the scheduled action (col. 8, lines 2-10).

As to claim 19, refer to claim 21 for rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-13, 18, 24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over HUMPLEMANN (U.S. Patent 6,466,971).

As to claims 2-13, 18, 24 and 27, HUMPLEMANN teaches scheduling an action on each device by a trigger time wherein the scheduling is based on a session manager or server source device scheduling the performance of commands to sink devices based on a clock (col. 8, lines 48-63; col. 15, lines 14-41) wherein each server device

has service capabilities and can be a sink or source for several different services (col. 9, lines 39-53) and has software for controlling other server devices and for being controlled by other server devices (col. 16, lines 7-20). The devices further include one or more handlers wherein each handler includes a pointer from within the controlled application to a native implementation of one specific device functionality (col 16, lines 59-67). It would be obvious to one of ordinary skill in the art that the trigger time is the start time for the device to perform the function and the control functionality of the device is the considered an application / manager for handling invocations to control the devices.

Response to Arguments

5. Applicant's arguments filed February 13, 2006 have been fully considered but they are not persuasive. Applicant argued that the provisional application (60/084,578) of Humplemann (U.S. Patent 6,466,971) does not teach a clock device for utilizing device triggering information to active devices to thereby perform a scheduled action of the electronic network. The examiner disagrees. On page 6 of the provisional application, under the section Basic AV Model, 3rd paragraph, it states, "Control may result in one saving of state e.g. timer record (for a DVCR) and another saving of state 'timer select a program' (for a Tuner-Access Device). The clock later triggers the saved state in to action." Therefore, Humplemann provides support for a clock device to utilize device trigger information to active devices to perform a scheduled action of the electronic network.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

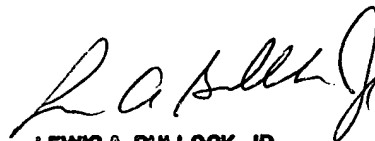
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (571) 272-3759. The examiner can normally be reached on Monday-Friday, 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2195

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LEWIS A. BULLOCK, JR.
PRIMARY EXAMINER

May 11, 2006